



Legal Issues Facing Our Fire Departments + 2015 Indiana Legislative Update



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2015 Legislative Update



2015 Legislative Update



- **HB 1041 Income Tax Credit for Volunteer FF's**
 - Provides that an individual who is a volunteer firefighter is entitled to a credit of \$500 against the individual's adjusted gross income tax liability each taxable year.
 - Representative Saunders, Lewisville, IN Henry County
 - Representative Hamm, Richmond, IN
 - Assigned to House and Means Committee

2015 Legislative Update



- **HB 1080/1081 EMS/Tactical EMS Provider Death Benefit**
 - Provides public safety officer special death benefit for EMS and tactical EMS providers.
 - Representative Macer, Indianapolis, IN
 - Assigned to Veterans Affairs and Public Safety

2015 Legislative Update



- **HB 1085 Fire Protection Territories**
 - Provides that the board of a fire protection territory that includes at least: (1) one township containing unincorporated territory; and (2) one municipality serving as the provider unit; must have two board members appointed from each township containing unincorporated territory who reside in the unincorporated territory of the township.
 - Representative Bacon, Chandler, IN
 - Assigned to Government and Regulation Reform

2015 Legislative Update



- **** HB 1182 ** Fire Training Academy**
 - Creates the first ever Fire Training Academy under the State Fire Marshal
 - All inclusive of public safety disciplines: fire, EMS, emergency management, telecommunicators, and others
 - Will provide consistent and uniform testing and curriculum
 - Quality assurance for our public safety instructors
 - Future: host recruit academies across the state
- Representative Frye, Greensburg
- Representative Wesco, Osceola
- Representative Forestal, Indianapolis, IN
- Representative Macer, Indianapolis, IN
- Passed out of first reading 13-0, referred to House Ways and Means pursuant House Rule 127. Reports with amendments, if, any shall be acted upon by the House upon submission. Any bill with an annual fiscal impact to the State in excess of \$50,000.00 may be referred by the Speaker to and reported by Ways and Means before it is eligible for a second reading.

2015 Legislative Update



- **SB 121 Tax Credit for Volunteer FF's and EMT's**
 - Provides that an individual who is an active volunteer firefighter or an active volunteer emergency medical technician, and who participates in at least 33% of a department's combined total of emergency responses and training sessions during the year, is entitled to a credit of \$2,000 against the individual's adjusted gross income tax liability each taxable year.
 - Senator Glick, LaGrange, IN
 - Referred to Tax and Fiscal Policy Committee

2015 Legislative Update



- **SB 131 Volunteer FF's Holding Elected Office**
 - Removes provisions that prohibit volunteer firefighters from assuming or holding certain elected offices.
 - Senator Leising, Oldenburg, IN
 - Referred to Committee on Elections

2015 Legislative Update



- **SB 191 FF's Serving on Township Boards**
 - Allows an individual to serve as a member of a township board and also serve as a volunteer firefighter or full-time firefighter of a fire department that provides fire services to the township.
 - Senator Arnold, LaPorte, IN
 - Referred to Committee on Local Government Reform

2015 Legislative Update



- **SB 321 Contract for Fire and Emergency Services**
 - Beginning July 1, 2016, requires a city or town (municipality) that does not operate a fire department or participate in a fire protection territory or fire protection district to issue a request for proposals and award the contract for fire protection services or emergency medical services (services) under the public purchasing law, unless: (1) the equipment, personnel, and services are provided to the municipality without charge; or (2) the services are provided to a municipality in response to a request for assistance or under the state emergency management compact.
 - Senator Head, Logansport, IN
 - Referred to Committee on Local Government

2015 Legislative Update



- **SB 484 Fire and Emergency Response Issues**
 - Creates intrastate mutual aid compact which will allow (not require) political subdivisions to enter into agreements with neighboring communities to provide mutual aid assistance on large-scale incidents
 - Allows for Task Force I to be deployed as in-state resource for disasters while utilizing federal guidelines and reimbursement schedules
 - Senator Crider, Greenfield, IN
 - Referred to Homeland Security and Transportation

2015 Legislative Update



- **SB 556 Fire Prevention and Building Safety**
 - Amends the arson statute (IC 35-43-1-1) to allow prosecutors to charge individuals with “arson” if they cause a fire while committing another crime (i.e. manufacturing methamphetamine).
 - Senator Yoder, Middlebury, IN
 - Referred to Homeland Security and Transportation

Fire Department Headlines



Fire Department Headlines



- **Australian Firefighter Facing Criminal Charges Over Facebook Post**
 - A Queensland, Australia firefighter is facing criminal charges over a Facebook scandal involving a “straw poll” where firefighters rated which female coworkers would be best in bed...
- **NY Fire Department Sued for Wrongful Death in Football Case**
 - A fire department in upstate New York has been sued following the death of a high school football player from injuries he sustained in a game. Damon James, 16, died on September 16, 2013 and according to the suit, the fire department refused to bring an ambulance onto the field “putting concerns about property damage ahead of the lives and safety of student athletes.”

Fire Department Headlines



- **Homeowner Wants City to Pay for Door Damaged by Firefighters**
 - Today's burning question: Last March when I went out shopping, firefighters were called to my house and broke down my door. Apparently my neighbor called because my wood burning stove created a lot of smoke. The door cost me \$2,000 to fix. Can I make the city or the firefighters pay?
- **Cancellation of Paramedic Unit Prompts California Suit for Wrongful Death**
 - The family of a man who died in 2013 has filed suit against a California fire department, a fire chief and others who the family claims are to blame for the man's death. The complaint includes allegations that a Yermo Fire Department captain cancelled a responding ALS ambulance long before he arrived on scene because he believed the patient was a "constant complainer" ...

Policies and Procedures



Sample Policies / Procedures



- **Disciplinary Procedures**

- Purpose
- Framework
- Hierarchy of Options
- Appeal Rights

1. Purpose of Discipline Policy

The purpose underlying the discipline policy of the Municipal Fire Department is to establish a consistent procedure for maintaining suitable behavior and a productive working environment in the workplace. These procedures are directory in nature and minor variations of the processes set forth herein shall not affect the validity of any actions taken pursuant to this policy.

2. Disciplinary System Framework

The Municipal Fire Department adopts the following framework for actions to be taken in the event that employment policies are violated by any employee. Progressive steps may be implemented in order to invoke disincentives to policy violations. The Municipal Fire Department reserves the right to take any of the prescribed steps in any order in the event that a supervisor deems a policy violation or action of the employee to be serious enough to warrant a certain step. Such steps shall be documented in the record of the disciplinary action. Progressive discipline shall be applied only where the supervisor believes that the potential for improvement and correcting the behavior is possible.

3. Hierarchy of Disciplinary Actions Available

The following actions are among the progressive disciplinary steps which can be taken by the supervisor in response to personnel policy violations:

- a. Oral warning.
- b. Written warning or reprimand.
- c. Suspension with or without pay.
- d. Demotion.
- e. Probation.
- f. Dismissal.

4. Appeal Hearing

The personnel policy of the Municipal Fire Department establishes the right to a hearing in the event of a discharge or demotion with attendant change in pay or suspension. The elements of procedure to be followed in any such hearing to be undertaken at the direction of the supervisor, unless waived by the employee, are the following:

Sample Policies / Procedures



- **Personal Vehicle Response Policy**

- Blue “courtesy” lights
- Obey all vehicle laws for State of Indiana

XYZ FIRE DEPARTMENT		
POLICY & PROCEDURES		
Standard Operating Procedures	P.P. #	
Emergency Vehicle Response		Revised Date:

Courtesy/Warning Light Policy

Purpose:

To establish guidelines governing the use of a “Courtesy/Warning Light” in privately owned vehicles (POVs) responding to an incident.

Scope:

All personnel who are authorized to respond to an incident in a POV.

Policy:

To ensure the safety of its members, the authorization for use of a “Courtesy/Warning Light” must be approved by the department.

Installation and use of warning lights on privately owned vehicles must be in accordance with state laws and regulations.

An authorized driver may use colored warning lights on privately owned vehicles to request the right-of-way when responding to emergency incidents. The use of a courtesy/warning light does not provide any special privileges or exemptions to traffic laws. Other drivers are not required to yield the right-of-way to a vehicle that has a courtesy light in operation. The only purpose of the warning light is to request that other drivers yield the right-of-way; the POV driver is required to comply with all traffic laws.

Sample Policies / Procedures



- **Social Media Policy**
 - Photographs
 - Status of emergency scene
 - Posts while potentially operating emergency vehicle
 - Everything you post becomes evidence for a trial

PURPOSE

To manage photographs and electronic images taken by Sample FD members/staff.

SCOPE

To assure professionalism and the privacy rights of department personnel, patients, fire victims, and the public that we serve.

PROCEDURE

1. Under no circumstances will members be allowed to use a personal camera, video recorder, or the camera/video function of a personal cellular phone, PDA, or any other digital imaging device while at any incident.
2. All scene photography/video shall be for clinical, documentation, or training purposes only, and conducted by or at the direction of Sample FD personnel in charge of the scene, using approved department equipment.
3. All photographs containing individually identifiable patient information are covered by HIPAA privacy laws and must be protected in the same manner as patient care reports and documentation.
4. Any on-scene images and or any other images taken by a member in the course and scope of their employment are the sole property of the Sample FD. This includes any images taken inadvertently with a member's personally-owned camera, cell phone camera, or any other digital imaging device.
5. No images taken by a member in the course and scope of their liberally-defined "duties" may be used, printed, copied, scanned, e-mailed, posted, shared, reproduced or distributed in any manner. This prohibition includes the posting of any Sample FD photographs on personal Web sites such as, but not restricted to: FaceBook, MySpace, YouTube, other public safety agency websites, or e-mailed to friends, relatives or colleagues.
6. Considerations for posting will be given by the Fire Chief, Assistant Chief and/or the Deputy Chief when images are provided in advance of any posting as described in the Scope and #5.
7. All Sample FD digital images will be downloaded as soon as possible, and will be cataloged and stored in a secure database with controlled access. After being downloaded, images on memory cards/tapes will be erased.
8. The use of unauthorized helmet cameras is strictly prohibited.
9. Personal use of department cameras is strictly prohibited.
10. Violation of this policy, or failure to permit inspection of any device covered in this policy, may result in disciplinary action.

Contact Information



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